

REMARKS

Claims 1-22 are pending in this application, of which claims 1, 4, 11, 15 and 22 are independent. In this Amendment, claims 1, 2, 4, 5, 11, 15 and 22 have been amended. Care has been exercised to avoid the introduction of new matter. Specifically, claims 1, 4, 11, 15 and 22 have been amended to clarify that the phrase “model phoneme array information” in those claims includes an array of phonemes and word boundaries of the sentence uttered by a learner. Adequate descriptive support for the amendment can be found on, for example, page 6, line 30 to page 7, line 13 of the specification. It is noted that those amendments include deletion of reference numerals, but the claimed scope is not narrowed for any reason relating to patentability.

Claims 1-22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Shpiro et al.

Despite Applicants’ reply dated January 18, 2005, the Examiner maintained his position on rejection of claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Shpiro et al.

In response, Applicants have amend independent claims 1, 4, 11, 15 and 22 to clarify that the phrase “model phoneme array information” in those claims includes an array of phonemes and word boundaries of the sentence uttered by a learner.

In the statement of the rejection, the Examiner asserted that the “model phoneme array” is disclosed in column 5, lines 33-41 of Shpiro et al. (see page 4, lines 4-5 of the Office Action). However, the portion cited by the Examiner discloses merely reference audio specimens for each of a multiplicity of phonemes, words and/or phrases typically prerecorded by each of a plurality of speech models. Shapiro et al. does not disclose that the reference audio specimens include an

array of phonemes and word boundaries of the sentence uttered by a learner, as claimed.

Further, the Examiner's cited portion does not disclose that the reference audio specimens are used to separate "sentence speech information into word speech information," as recited in the claims.

Moreover, Shapiro et al. discloses other than using the reference audio specimens to separate a sentence. In column 7, lines 16-29, the reference states as follows:

To segment a response specimen, the silence speech boundary is first identified as the point at which the energy increases to several times the background level and remains high.... Next, consonant-vowel boundaries are identified by identifying points at which the energy remains high but the dominant speech frequency decreases to a range of about 100 to 200 Hz. The dominant frequency may be measured by a zero crossing counter which is operative to count the number of times in which the waveform crosses the horizontal axis.

Shapiro et al. analyzes a sentence uttered by a learner to identify the silence speech boundaries and then to identify consonant-vowel boundaries without using the reference audio specimens. In contrast, the claimed invention is configured to separate a sentence uttered by a learner into word speech information based on the "model phoneme array information including an array of phonemes and word boundaries of the sentence," as amended.

Accordingly, there are the above-described fundamental differences between the claimed invention and Shapiro et al., and thus, Shapiro et al. does not have identical disclosure of what is claimed in independent claims 1, 4, 11, 15 and 22. Dependent claims 2, 3, 5-10, 12-14 and 16-21 are also patentably distinguishable over Shapiro et al. at least because they include all the limitations recited in independent claims 1, 4, 11, 15 and 22, respectively. Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1-22 under 35 U.S.C. §102(b), and solicit withdrawal thereof.

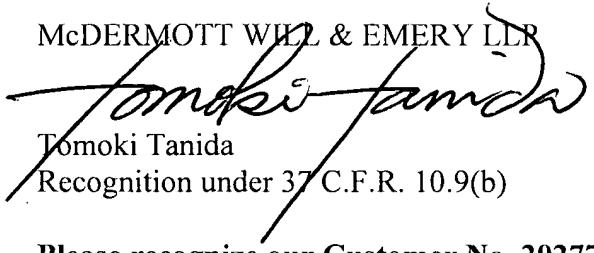
Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Tomoki Tanida

Recognition under 37 C.F.R. 10.9(b)

**Please recognize our Customer No. 20277
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT
Facsimile: 202.756.8087
Date: November 14, 2005

WDC99 1161266-1.057454.0235